

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SANTIAGO CANALES,

Plaintiff

v.

E.S.P.,

Defendant

Case No. 3:24-cv-00020-ART-CSD

**ORDER**

**I. DISCUSSION**

On January 11, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted multiple documents to the Court, including motions for a preliminary injunction and temporary restraining order, exhibits, and a “brief.” (ECF Nos. 1-1, 1-2, 1-3, 1-4, 1-5). Plaintiff did not file a complaint. Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until March 18, 2024**, to submit a complaint to this Court.

On February 17, 2024, Plaintiff filed an application to proceed *in forma pauperis*. (ECF No. 4). Plaintiff’s application to proceed *in forma pauperis* is incomplete because **Plaintiff used a state court form, rather than this Court’s approved form, and Plaintiff did not include a financial certificate or an inmate trust fund account statement for the previous six-month period with the application.** The Court will deny Plaintiff’s application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by March 18, 2024**.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an

1 inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the  
 2 following documents to the Court: (1) a completed **Application to Proceed in Forma**  
 3 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
 4 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
 5 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
 6 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
 7 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 8 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 9 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 10 See 28 U.S.C. § 1915(b).

11 The Court will grant Plaintiff an opportunity to file a complaint and a fully complete  
 12 application to proceed *in forma pauperis* containing all three of the required documents,  
 13 or in the alternative, pay the full \$405 filing fee for this action on or before **March 18,**  
 14 **2024**.

## 15 **II. CONCLUSION**

16 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this  
 17 Court on or before **March 18, 2024**.

18 It is further ordered that the Clerk of the Court will send to Plaintiff the approved  
 19 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of  
 20 the Court will also send Plaintiff a copy of the documents he initially filed in this case (ECF  
 21 Nos. 1-1, 1-2, 1-3, 1-4, 1-5).

22 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 4)  
 23 is denied without prejudice.

24 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
 25 application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 26 information and instructions for filing an *in forma pauperis* application.

27 It is further ordered that on or before **March 18, 2024**, Plaintiff will either pay the  
 28 full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all

1 three required documents: (1) a completed application with the inmate's two signatures  
2 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
3 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
4 previous six-month period.

5 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
6 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
7 to refile the case with the Court, under a new case number, when Plaintiff can file a  
8 complaint and a complete application to proceed *in forma pauperis* or pay the required  
9 filing fee.

10 DATED THIS 18th day of January 2024.

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12  
13 UNITED STATES MAGISTRATE JUDGE